



# WYOMING DEPARTMENT OF CORRECTIONS

## Policy and Procedure #3.403

### Inmate Rights

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<b>Authority:</b> Wyoming Statute(s): 25-1-104; 25-1-105  ACA Standard(s): 4-4181; 4-4182; 1-ABC-3D-04; 4-4277; 4-4278; 1-ABC-3D-05; 4-4279; 4-4280; 1-ABC-3D-06 4-4281; 4-4282	<b>Effective Date:</b> 02/01/2012 <b>Revision/Review History:</b> 10/15/10  <b>Summary of Revision/Review:</b> Updates existing policy pursuant to annual review.
<b>Cross Reference of Policy:</b> P&P #1.015, <i>Media and Public Relations</i> ; P&P #3.009, <i>Evidence Collection and Chain of Custody</i> ; P&P #3.012, <i>Inmate Conflict</i> ; P&P #3.013, <i>Searches</i> ; P&P #3.015, <i>Use of Force and Related Security Equipment</i> ; P&P # 3.100, <i>Inmate Communication and Grievance Procedure</i> ; P&P # 3.101, <i>Code of Inmate Discipline</i> ; P&P #3.302, <i>Administrative Segregation</i> ; P&P #3.401, <i>Inmate Access to Courts</i> ; P&P #3.402, <i>Protection from Sexual Misconduct Against Offenders</i> ; P&P 4.307, <i>Inmate Access to Health Care</i> ; P&P 4.201, <i>Inmate Grooming, Hygiene and Sanitation</i> ; P&P #5.400, <i>Inmate Visiting</i> ; P&P #5.401, <i>Inmate Mail</i> ; P&P #5.600, <i>Inmate Religious Activities</i>	<b>Supersedes Existing Policy :</b>
<b>Approved:</b>  R.O. Lampert Robert O. Lampert, Director  1-6-12 Date	

*The policy and procedures set forth herein are intended to establish directives for staff members and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty or property interests for staff members or inmates, or an independent duty owed by the WDOC to staff members, inmates, or third parties. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.*

**APPROVED FOR INMATE DISTRIBUTION**

#### REFERENCE

1. ATTACHMENTS – None Noted
2. OTHER – None Noted



## I. PURPOSE

- A. **Inmate Rights.** The purpose of this policy and procedure is to establish uniform guidelines for the protection of fundamental rights of inmates who are incarcerated in Wyoming Department of Corrections (WDOC) facilities.

## II. POLICY

- A. **General Policy.** It is the policy of the WDOC to protect the safety and constitutional rights of inmates and provide a balance between expression of those rights and preservation of correctional facility order.
1. **Note:** This policy and procedure is not intended to be an exclusive listing of the rights of inmates, nor is it intended to be a definitive legal treatise of inmate rights. Rather, this policy and procedure is intended to identify certain inmate rights not otherwise addressed in WDOC policy and to provide guidelines for the protection of such rights.
  2. **Recognition of Inmate Rights.** WDOC recognizes that inmates retain certain constitutional rights and that it is the duty of WDOC to protect the expression of those rights within the inherent limitations of the safety, security, and good order of correctional facilities. WDOC also recognizes that inmates do not retain all of the rights afforded to free citizens and that some rights are necessarily and reasonably limited during incarceration.

## III. DEFINITIONS

- A. **None Noted**

## IV. PROCEDURE

- A. **Protection of Inmate Rights.** Inmates confined in WDOC correctional facilities shall be afforded all established rights consistent with their status. This policy identifies guidelines for certain inmate rights. Many inmate rights are addressed in other WDOC policy, procedure, and practice. In all cases, the exercise of inmate rights must be balanced with legitimate penological interests.
1. **Nondiscrimination Towards Inmates.** WDOC policies, procedures, and practices shall be enacted in a fair and equitable manner that ensures no form of unlawful discrimination takes place against inmates in



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correctional facilities. All programs, services, and institutional privileges shall be offered on a nondiscriminatory basis.

- i. No inmates under the jurisdiction of the WDOC will be subject to discrimination based on race, religion, national origin, gender, disability or political beliefs in making administrative decisions and in providing access to programs. (ACA 4-4277, 1-ABC-3D-04)
- ii. Except as may be required for the security and orderly operation of the facility, no inmate shall be denied access to any program or service, or assigned or not assigned to a job, housing unit, classification status, or program solely on the basis of race, national origin, gender, religion, creed, physical handicap, political belief, or other statutory or regulatory proscribed category.
- iii. Female inmates shall be housed separately from male inmates, but all housing features and amenities shall be consistent with those provided male inmates in the same general security and supervision categories. All programs and services for female inmates shall otherwise be comparable in scope and content to those offered male inmates and will be related to the needs of the female inmate population.
- iv. Male and female inmates housed in the same institution shall be housed in separate units but shall have equal access to all available services and programs. Neither sex shall be denied opportunities solely on the basis of their smaller number in the population. (ACA 4-4278) Whenever male and female inmates are housed in the same institution, at least one male and one female staff member shall be on duty within the institution at all times. (ACA 4-4181)

**2. Conditions of Confinement.** Inmates have certain rights relative to their conditions of confinement. These rights include access to the following:

- i. cell housing or closely supervised dormitories, with the specific type of housing assignment conditioned on the inmate's classification and types of housing available in the institution;
- ii. clean and orderly surroundings;
- iii. adequate toilet, bathing, and laundry facilities;
- iv. adequate lighting, heating, and ventilation;



- v. living conditions that are in compliance with local, state, and federal fire and safety laws and regulations;
- vi. a wholesome, properly prepared, nutritionally adequate diet;
- vii. clean, fitted, and seasonable clothing;
- viii. respectful, impartial, and fair treatment by all staff;
- ix. participation in the classification and case management processes to the effect that inmates have input at all stages of program planning and inmates are entitled to present opinions, preferences, and requests in program planning; and
- x. personal grooming choices regarding appearance, consistent with WDOC Policy and Procedure #4.201, *Inmate Grooming, Hygiene and Sanitation*.

**3. Programs and Services.** Inmates shall be given equal opportunities to participate in all institutional programs and work assignments as available, in keeping with their eligibility, interests, needs and abilities. Inmates shall be provided with access to the following programs and services consistent with their conditions of confinement:

- i. indoor and outdoor recreation and equipment;
- ii. clergy, spiritual advisors, publications, and related services that allow inmates to voluntarily adhere to their legitimate religious practices, consistent with WDOC Policy and Procedure #5.600, *Inmate Religious Activities*;
- iii. visitation with family and friends in an area that is limited only by facility requirements necessary to maintain security and order, consistent with WDOC Policy and Procedure #5.400, *Inmate Visiting*; and
- iv. communication and/or correspondence between inmates and their families, friends, public officials, attorneys, officers of the court, and other persons and organizations limited by facility requirements necessary to maintain security and order, consistent with WDOC Policy and Procedure #5.401, *Inmate Mail*, and other relevant department policy.



4. **Health Care.** Inmates shall be provided constitutionally adequate health care in accordance with WDOC Policy and Procedure #4.307, *Inmate Access to Health Care*, and other department policy.
5. **Protection from Harm.** WDOC policy, procedure, and practice shall protect inmates from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment. (ACA 4-4281, 1-ABC-3D-06)
  - i. The identification of potential and/or verified conflicts between inmates and the successful management and resolution of those conflicts shall be handled in accordance with WDOC Policy and Procedure #3.012, *Inmate Conflict*.
  - ii. No inmate or group of inmates shall be given authority or control over any other inmate. (ACA 4-4182)
  - iii. In situations where physical force or disciplinary detention is required, only the least severe means necessary to secure order or control shall be used in accordance with WDOC Policy and Procedure #3.015, *Use of Force and Related Security Equipment*.
  - iv. Inmate discipline shall be applied in an impartial and consistent manner in accordance with WDOC Policy and Procedure # 3.101, *Code of Inmate Discipline*.
    - a. Corporal punishment is prohibited.
  - v. Administrative segregation is a preventative process and shall be used only to protect inmates from themselves or other inmates in accordance with WDOC Policy and Procedure #3.302, *Administrative Segregation*.
  - vi. The WDOC has “zero tolerance” for sexual misconduct against offenders. Sexual misconduct and harassment shall be handled in accordance with WDOC Policy and Procedure #3.402, *Protection from Sexual Misconduct Against Offenders*.
6. **Inmate Grievances.** Inmates shall be allowed to file grievances in accordance with WDOC Policy and Procedure # 3.100, *Inmate Communication and Grievance Procedure*.
7. **Due Process.** Inmates shall be provided procedural due process in proceedings, such as disciplinary hearings or other matters where a liberty interest is at stake, as is required by the courts.



8. **Access to Courts.** Inmates shall be provided access to courts, counsel and a law library in accordance with WDOC Policy and Procedure #3.401, *Inmate Access to Courts*.
9. **Protection from Unreasonable Searches.** All searches and the preservation of evidence when an inmate is suspected of a new crime shall be performed in accordance with department policy. Such searches shall be authorized only by the Warden or designee, unless immediate action is necessary; in such cases the Warden or designee shall be fully informed as soon as possible after the search. (ACA 4-4282)
  - i. Searches to control contraband and provide for facility security, safety, health and order shall be conducted in accordance with Policy and Procedure #3.013, *Searches*.
  - ii. Any crime scene area shall be immediately secured, contained, isolated, and handled in accordance with WDOC Policy and Procedure #3.009, *Evidence Collection and Chain of Custody*.
10. **Inmate Access to Media.** Reasonable access between inmates and the media shall be provided, subject to the limitations necessary to maintain order and security and protect inmates' privacy in accordance with WDOC Policy and Procedure #1.015, *Media and Public Relations*. (ACA 4-4279, 1-ABC-3D-05)
  - i. Media request for interviews and the inmate's consent to be interviewed must be in writing.
11. **Foreign Nationals.** Foreign nationals shall have access to diplomatic representatives of their country of citizenship. (ACA 4-4280)
  - i. Requests to access diplomatic representatives shall be made by the inmate to their caseworker using WDOC Form #320, *Inmate Communication Form*.

## V. TRAINING POINTS

- A. Name at least three (3) ways the WDOC strives to protect inmates from harm.
- B. When are inmates not allowed to talk to the media?
- C. Who may participate in WDOC institutional programs?